

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 1609 of 1999

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

- 
1. Whether Reporters of Local Papers may be allowed to see the Order ?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the Order ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

-----

DR. HANSRAJ M PATEL  
VERSUS  
JT. CHARITY COMMISSIONER & ORS.

-----

Appearance:  
MR GM JOSHI for the Petitioner

-----

CORAM : MR JUSTICE S.K. KESHOTE  
Date of Order: 01/04/99

C.A.V. ORDER

Heard the learned counsel for the petitioner.

2. Challenge has been made by the petitioner in this special civil application to the order of the Joint

Charity Commissioner, Vadodara dated 18-2-1999 passed in Misc. Application No.6 of 1999 by the petitioner under sec. 41-A of the Bombay Public Trusts Act, 1960, under which the said application has been dismissed.

3. The Joint Charity Commissioner dismissed that application on the ground that the petitioner may seek relief before the Civil Court for the dispute relating to his rights.

4. Learned counsel for the petitioner admitted that the matter in dispute relates to the administration of a trust. It is his contention that this matter is covered under sec. 41-A of the Bombay Public Trusts Act but I do not find any merits in this contention. After going through the provisions of sec. 41-A, section 50, sec. 51-A and sec. 51 of the Bombay Public Trusts Act and the relevant provisions of the rules and regulations of the Mahudha Kelavani Mandal, Mahudha and particularly, rules No.26 (o) and 46 thereof, I am satisfied that the appropriate remedy in this case for the petitioner is to approach to the Civil Court and not to the Joint Charity Commissioner under sec. 41-A of the Act aforesaid. This matter admittedly relates to the administration of a trust and it clearly falls under sec.50 or 50-A of the Act aforesaid for which the petitioner should have approached to the Civil Court. The application filed by the petitioner before the Joint Charity Commissioner was wholly misconceived and that authority has not committed any error in rejecting the same.

5. In the result, this special civil application fails and the same is dismissed.

(S.K.Keshote,J)

zgs/-